

REMARKS/ARGUMENTS

Claims 20, 67 and 72-85 are pending in the present application. Claims 20, 67 and 72-85 were examined and rejected. Claim 20 has been amended. No new matter has been added. Reconsideration of the claims is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 20, 67, 72-82, 84 and 85 were rejected as being anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,165,183 to Kuehn et al. (Kuehn).

Applicants have amended independent Claim 20 to more distinctly recite pre-existing features. Claim 20 recites an apparatus for repairing a valve in a patient's body. More particularly, claim 20 recites a central member coupled to the pair of articulating arms and removably coupled to the catheter shaft near the distal end, the catheter shaft adapted for delivering the pair of articulating arms into a heart and detaching from the central member once the articulating arms are engaged with the leaflets, the central member and articulating arms being left in the patient's body while maintaining the leaflets in the coapted configuration after the catheter shaft has been removed from the patient's body.

Similar to claim 20, independent claim 67 recites a pair of articulating arms coupled near the distal end of the flexible shaft. Claim 67 further recites implantation of the pair of articulating arms in the patient's body while maintaining the leaflets in the coapted configuration after the flexible shaft has been removed from the patient's body.

The Examiner has based the rejection of the claims on FIG. 20 of Kuehn which discloses a surgical tool which is not, itself, capable of repairing a valve in a patient's body. The tool illustrated in FIG. 20 merely grasps the leaflets, and is intended for use with a tool for repairing the valve. Contrary to the position advanced by the Examiner, the graspers 440 are not detachably connected to the catheter and are not left in the patient's body while maintaining the leaflets in the coapted configuration after the catheter shaft has been removed from the patient's body. It appears that the Examiner has inadvertently misread or misinterpreted Kuehn's disclosure. Kuehn never intended for the graspers to be detached from the catheter such that the

graspers remain in the patient's body after the catheter has been removed, and certainly does not disclose or suggest detachment of the graspers from the catheter. Instead, Kuehn teaches (1) that the graspers 440 clasp the leaflets 122, 124; (2) the plunger 446, 454 is removed; (3) the leaflets are fastened (by another tool); (4) the graspers are released from the leaflets; and (5) the graspers and catheter are removed. Kuehn does not disclose or suggest, let alone enable, (1) detaching the graspers from the catheter; or (2) removing the catheter while the central member and the articulating arms maintain the leaflets in the coapted configuration after the catheter shaft has been removed from the patient's body. For at least this reason, Applicants respectfully request that the rejection of claims 20 and 67 and dependent claims 72-82, 84 and 85 be reconsidered and withdrawn.

Claim Rejections 35 U.S.C. § 103

Claim 83 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuehn in view of U.S. Patent No. 6,269,819 to Oz et al. (Oz). Such rejection is traversed in part and overcome in part for at least the following reasons.

Claim 83 includes the limitations of independent base claim 67 plus additional features. Applicants respectfully traverse the rejection for at least the reasons provided in traversing the rejection of the base claim.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

The Examiner is invited to telephone the undersigned attorney to resolve any issues and expedite prosecution of this application.

Respectfully submitted,

Jonathan D. Feuchtwang
Reg. No. 41,017

Douglas Portnow

By: Douglas Portnow
Reg. No. 59,660

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
D3P:jke
61299097 v1